

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**BROWSE3D LLC,**

Plaintiff

v.

**STAPLES, INC,**

Defendant

**Case No. 6:20-cv-01051**

**JURY TRIAL DEMANDED**

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Brwose3D LLC (“Browse3D” or “Plaintiff”) files this Complaint for patent infringement against Defendant Staples, Inc. (“Defendant”), and alleges as follows:

**NATURE OF THE ACTION**

1. This is an action for patent infringement arising under 35 U.S.C. § 1 *et seq.*

**PARTIES**

2. Browse3D is a limited liability company organized and existing under the laws of the State of Texas with its principal place of business 108 Wild Basin Rd South, Suite 250, Austin, Texas 78746.

3. Upon information and belief, Staples is a corporation organized and existing under the laws of the State of Delaware with a principal place of business located at 500 Staples Drive, Framingham, MA 01702. Defendant can be served with process through its registered agent, United States Corporation Company, 251 Little Falls Drive, Wilmington, DE 19808.

**JURISDICTION AND VENUE**

4. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1400.

5. Upon information and belief, Defendant is subject to personal jurisdiction of this Court based upon it having regularly conducted business, including the acts complained of herein, within the State of Texas and this judicial district and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this District.

6. Venue is proper in this District under 28 U.S.C. §§ 1391 and 1400 because Defendants have committed acts of infringement and have regular and established places of business in this judicial district.

**COUNT I**  
**(Infringement of U.S. Patent No. 10,031,897)**

7. Browse3D incorporates paragraphs 1 through 6 as though fully set forth herein.

8. Plaintiff is the owner, by assignment, of U.S. Patent No. 10,031,897 (the “’897 Patent”), entitled SYSTEM AND METHOD FOR WEB BROWSING, which issued on July 24, 2018. A copy of the ’897 Patent is attached as Exhibit A.

9. The ’897 Patent is valid, enforceable, and was duly issued in full compliance with Title 35 of the United States Code.

10. Defendant hosts and provides an interactive website at <https://www.staples.com/> for advertising and promoting the sale of items to users of the website (the “Accused Product”). In use, Defendant tracks user behavior when interacting with the website, including selection of individual hyperlinks. Defendant uses the user

behavior information to customize the rendering of webpages to present information to the user. The Defendant's system for hosting and operating the website is the Accused Product that infringes the '897 Patent.

11. At least by hosting, promoting, and publishing the website, Defendant encourages its customers, potential customers, and users of the website to use the website and practice the claimed methods, which Defendant controls the use of and derives a direct benefit and profit from.

12. Upon information and belief, Defendant has infringed and continues to infringe one or more claims, including Claim 10, of the '897 Patent by making and using Defendant's interactive website in the United States without authority. Defendant has infringed and continues to infringe the '897 Patent either directly or through the acts of inducement in violation of 35 U.S.C. § 271. Defendant has been on notice of the '897 Patent at least as early as the date it received service of this complaint.

13. Claim 10: A method for web browsing comprising:

over a plurality of browsing sessions, monitoring browsing activity of a

user at a particular web page that comprises a plurality of

hyperlinks for hyperlinking from the particular web page;

determining a pattern of hyperlink usage of the user based on the

monitored browsing activity;

determining a prioritized list of hyperlinks based on the determined

pattern of hyperlink usage, wherein the prioritized list of

hyperlinks comprises a subset of said plurality of hyperlinks, and

wherein each hyperlink on the prioritized list links to a respective web page;

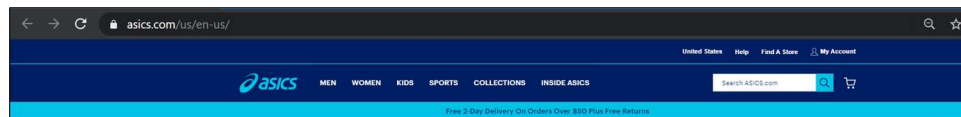
in an other browsing session, presenting a window that comprises a first area and a second area;

in the other browsing session, presenting the particular web page in the first area of the window;

in the other browsing session, automatically requesting web page data for the respective web pages; and

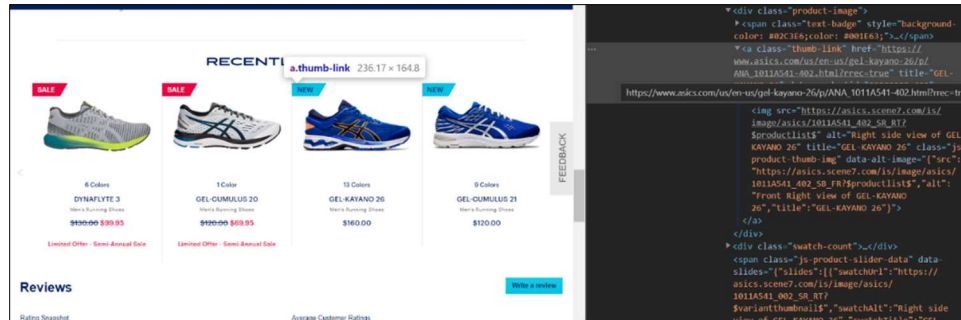
in the other browsing session, presenting in the second area each hyperlink in the prioritized list of hyperlinks, wherein the presented hyperlinks are positioned according to prioritization of the prioritized list, and wherein the presented hyperlinks are presented as reduced size images rendered using said requested web page data.

14. The Accused Products practices a method for web browsing:



<https://www.asics.com/us/en-us/>

15. The Accused Product determines a pattern of hyperlink usage of the user based on the monitored browsing activity (e.g. “We Recommend” is a list of items related matching and prioritizing the recently viewed items)



<b>CUSTOMER SERVICE</b>  <a href="#">Contact Us</a>  <a href="#">Return Policy</a>  <a href="#">Shipping</a>  <a href="#">Warranty Form</a>  <a href="#">FAQ</a>  <a href="#">OneASICS FAQ</a>  <a href="#">Shoe Size Guide</a>  <a href="#">Shoe Width Guide</a>  <a href="#">Pronation Guide</a>  <a href="#">Careers</a>  <a href="#">Clothing Size Guide</a>  <a href="#">ASICS California Privacy Notice</a>  <a href="#">Privacy Policy</a>  <a href="#">Cookie Policy</a>  <a href="#">Terms &amp; Conditions</a>  <a href="#">Promotional Terms</a>  <a href="#">Order in Store Terms of Sale (U.S.)</a>  <a href="#">ADA Accessibility Statement</a>  <a href="#">Overview of ASICS Companies</a>	<h2>COOKIE POLICY</h2> <p>Effective: December 31, 2019</p> <p>ASICS uses cookies and similar technologies on its online services to enhance the user experience and to keep the services operating as smoothly as possible for each visitor. Examples of these technologies are cookies, pixel tags, IP addresses, scripts, statistical identifiers, and mobile advertising identifiers. Cookies and similar technologies are used for a variety of purposes by ASICS and its third-party partners, including those who calculate web statistics and provide social media or interest-based advertising services.</p> <p>This cookie policy provides you with information about the cookies and similar technologies that we and our third-party partners use, the purposes for using them, and how you can manage these technologies. This policy applies only to the websites and mobile applications that link to this policy, including <a href="#">www.asics.com</a>, <a href="#">www.onitsukitiger.com</a>, <a href="#">id.asics.com</a>. Other online services provided by ASICS and our group companies are subject to different cookie policies.</p> <p>For further information about how ASICS collects, uses, and shares information in connection with the services, please visit the <a href="#">Privacy Policy</a>. If you have any questions about this cookie policy, please contact the ASICS company in your place of residence. <a href="#">[DATA AND PRIVACY QUESTIONS]</a>.</p> <h2>WHAT COOKIES AND SIMILAR TECHNOLOGIES ARE USED ON THE SERVICES?</h2> <p>We and our third-party partners use a variety of cookies and similar technologies on the services, including:</p> <p>Cookies. Cookies are small files that are stored on your computer by your web browser. A cookie allows the services to recognize whether you have visited before and may store user preferences and other information. Cookies also can record events related to your device's activity on our services, including the pages viewed, products viewed, purchase history, and date and time of browsing. They also can record information related to your device (e.g., browser type, device type, operating system, version, IP address) and events relating to ad serving activity, such as the number of ads displayed on your device, and ads clicked.</p> <ul style="list-style-type: none"> <li>First-party cookies are placed by the site that you visit. They can make your experience on the web more efficient. For example, they help us remember:             <ul style="list-style-type: none"> <li>Items in your shopping cart;</li> <li>Your log-in name; and</li> <li>Your preferences, such as your preferred language or location.</li> </ul> </li> <li>Third-party cookies are placed by a company other than the site you are on. For example, we may partner with an advertising network to deliver some of the ads you see. We also may partner with companies in order to provide personalized product recommendations based on trends and on your browsing and purchase history on our mobile app or website. Or we may partner with an analytics company to help understand how users interact with our site. These "third party" companies also may place cookies on your browser to understand your behavior over time. The use of online tracking mechanisms by third parties is subject to those third parties' own privacy policies, and not this policy.</li> </ul>
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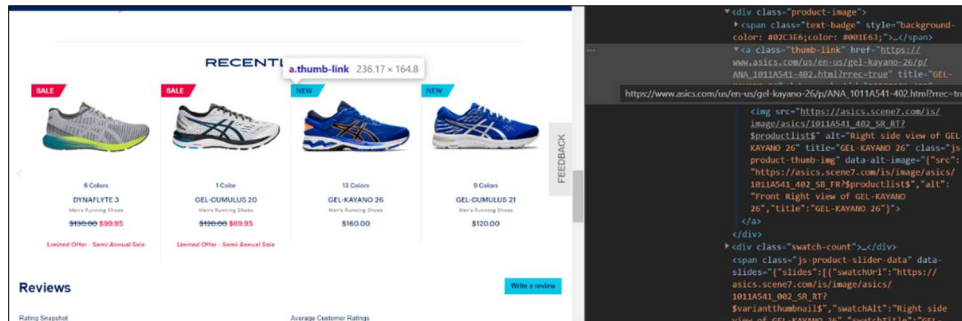
  

<h2>ANALYTICS</h2> <p>In order to determine which parts of our services users are most interested in, and to improve the services, we measure and test the services using various analytics tracking mechanisms. This includes software from various third parties, including Google Analytics. These third parties may set and access cookies on your computer or other device and may use similar technologies to collect information about your activity on the services. The information regarding your usage of our websites and mobile applications may be transmitted to such third parties and stored on a server in the US.</p> <p>Statistics are prepared based on the information collected. This enables us to make the structure, navigation, and content of our services as user-friendly as possible. Specifically, we use cookies and similar technologies to:</p> <ul style="list-style-type: none"> <li>Keep track of the number of visitors to our web pages and usage of our mobile applications;</li> <li>Keep track of the amount of time each user spends on our web pages or mobile application features;</li> <li>Determine the order in which a visitor visits the various pages or features of our website or mobile application;</li> <li>Assess which parts of the site need to be changed;</li> <li>Display products on the services that are more likely to be of interest to visitors and users; and</li> <li>Optimize the website or mobile application.</li> </ul> <p>To opt out of Google Analytics, please see "How can I opt out of certain analytics and interest-based advertising?" below.</p> <p><b>FEEDBACK</b></p>
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16. <https://www.asics.com/us/en-us/cookie-policy.html>

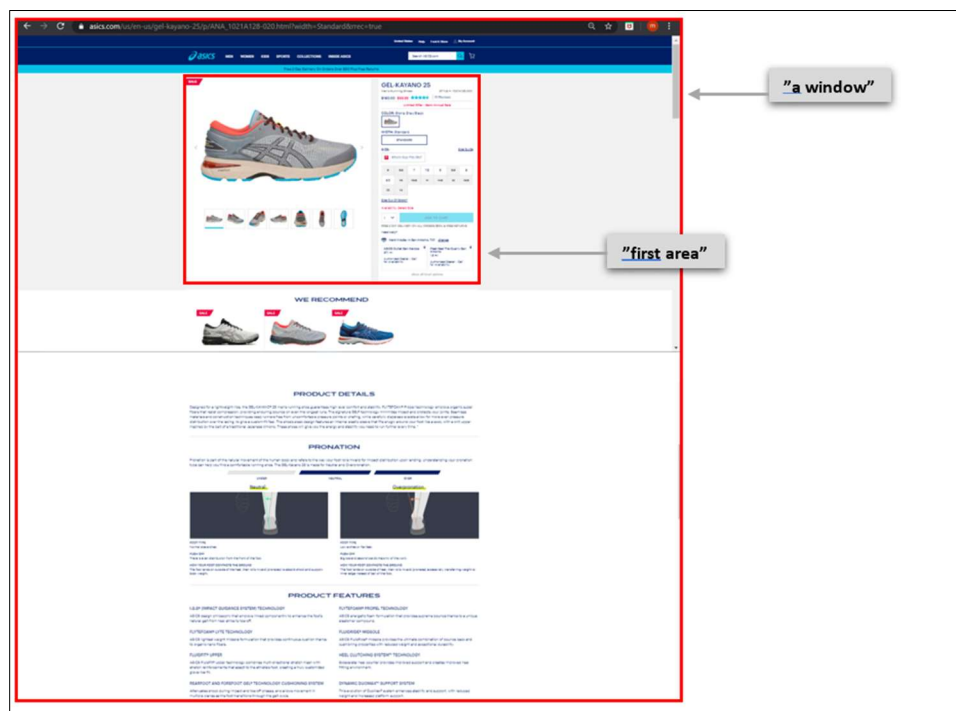
17. The Accused Product determines a prioritized list of hyperlinks based on the determined pattered of hyperlink usage (e.g. "Recently Viewed").

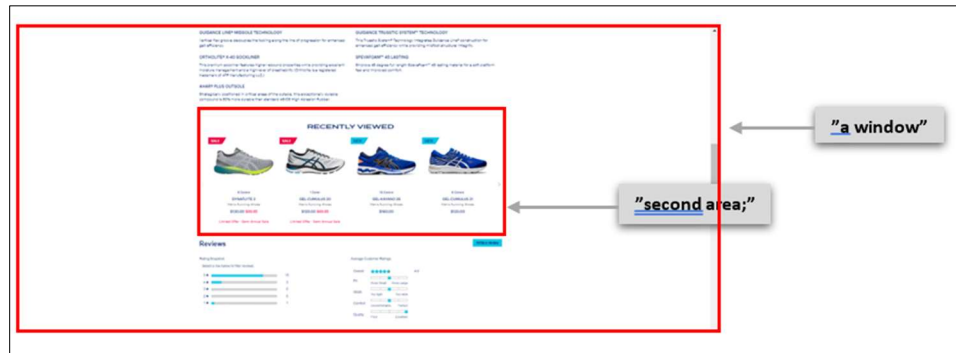
18. The prioritized list of hyperlinks comprises a subset of the plurality of hyperlinks (e.g. constitutes four items on screen, and a scroll arrow to access items beyond four. The hyperlink on the prioritized list links to a respective webpage (e.g. the image contains an embedded link to the respective webpage).



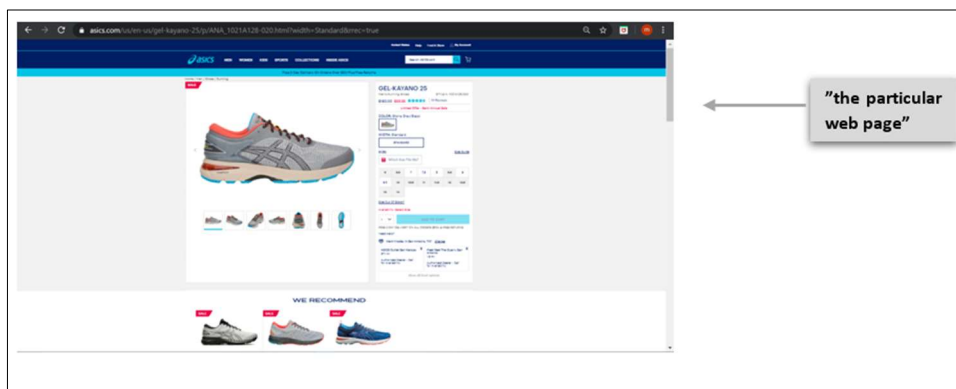
19. When a user closes the original browsing session and opens a new one, the Accused Product produces another browsing session presenting a window that comprises a first area and a second area.

New Browsing Session:





20. The other browsing session displays the particular web page in the first area of the window:



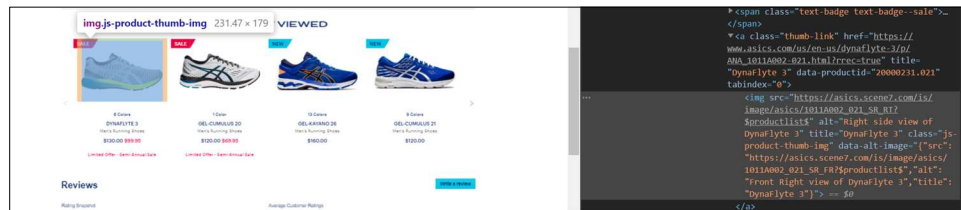
21. The web page data for the respective web pages is automatically populated in the other browsing session.



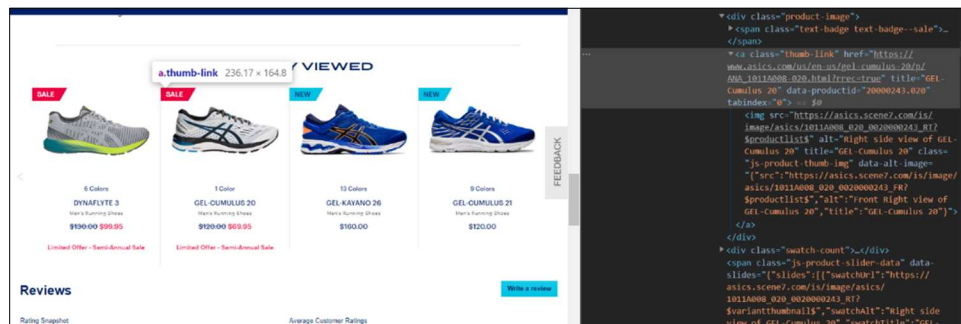
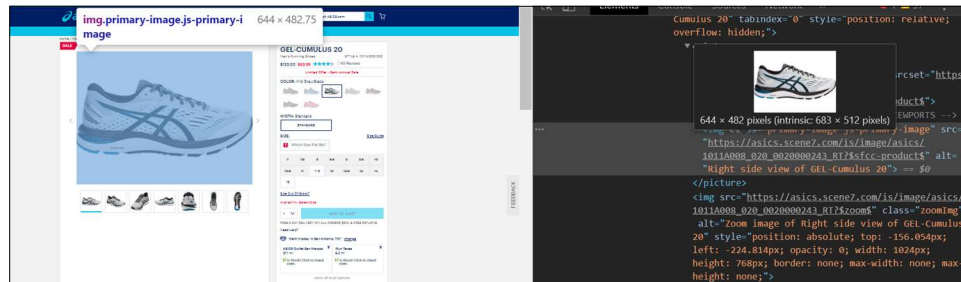
22. In the other browsing session, the Accused Product presents in a second area each hyperlink in a prioritized list of hyperlinks (e.g. Recently Viewed). The

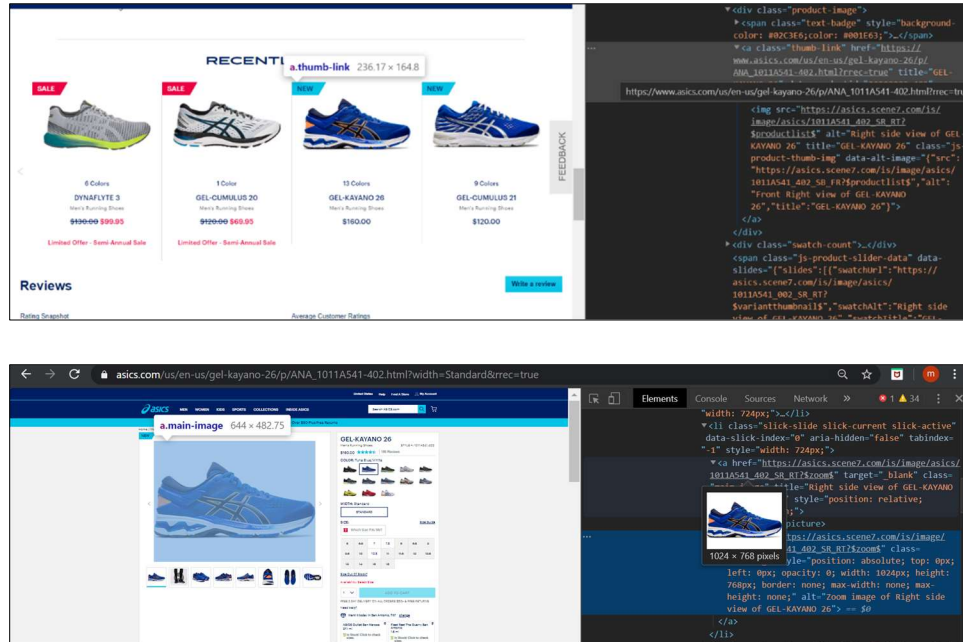


presented hyperlinks are positioned according to prioritization of the prioritized list (e.g. most recent to earliest in a scroll bar displaying four items).



23. The presented hyperlinks are presented as reduced size images rendered using said requested webpage data.





24. Browse3D has been damaged by Defendant's infringing activities.

### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully requests the Court enter judgment against Defendant:

1. declaring that the Defendant has infringed the '897 Patent;
2. awarding Plaintiff its damages suffered as a result of Defendant's infringement of the '897 Patent;
3. awarding Plaintiff its costs, attorneys' fees, expenses, and interest; and
4. granting Plaintiff such further relief as the Court finds appropriate.

### **JURY DEMAND**

Plaintiff demands trial by jury, Under Fed. R. Civ. P. 38.

Dated: November 13, 2020

Respectfully submitted,

/s/ Raymond W. Mort, III

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**ATTORNEYS FOR PLAINTIFF  
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